

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 23, 2001**

**DIVISION ONE**

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,  
Deputy Clerk.

Each of the following:

B136118 Williams v. Universal Studios, Inc.

B143114 Stark v. May Department Store

B143225 Keshishyan v. Jotin

Argument waived, cause submitted.

B140744 Boulange v. T.I.B. Insurance Brokers

B144058 Boulange v. Carolina Casualty Company

Merits:

These two case numbers are consolidated for purpose of oral argument only. Argued by Mohammed Ghods for appellant, by Warren Snider for respondent T.I.B Insurance and by Warren K. Miller for respondent Carolina Casualty Co. Cause submitted.

B134812 Gilley et al.

v.

City of Arcadia et al.

Merits:

Argued by Robert Mann for appellants and by Nancy P. Doumanian for respondents. Cause submitted.

DIVISION ONE (Continued)

B138652 County of Los Angeles  
v.  
Latouf

Merits:

Argued by Nancy K. Ruffolo, deputy district attorney, for respondent. No appearance for appellant. Cause submitted.

B138736 Zorian  
v.  
Money

Merits:

No appearance by either party. Argument is deemed waived. Cause submitted.

B135687 Tolbert et al.  
v.  
Tarzana Woods Homeowners

Appearances:

Kelvin Tolbert, appellant in propria persona, and Barry J. Reagan for respondent. Argument waived, cause submitted.

B134812 Gilley et al.  
v.  
City of Arcadia et al.

Merits:

Argued by Robert Mann for appellants and by Nancy P. Doumanian for respondents. Cause submitted.

DIVISION ONE (Continued)

B142962      Colmenares  
                 v.  
                 Braemar Country Club, Inc.

Merits:  
Argued by Christopher W. Olmsted for appellant. No appearance for respondent. Cause submitted.

Ortega, J. leaves the bench.

B140563      Shama LLC et al.  
                 v.  
                 Alameda Corridor Transportation Authority

Merits:  
Argued by William P. Driscoll for appellants and by Thomas F. Windfield for respondent. Cause submitted.

Ortega, J. returns to the bench.

B136463      Little Country Church of Hollywood  
                 v.  
                 Mollywood Properties et al.

Merits:  
Argued by Richard P. Towne for appellant and by Raymond B. Kim for respondent. Cause submitted.

B133978      Hess  
                 v.  
                 Lambert et al.

Merits:  
Argued by Rose Marie Heard for appellant, by Stephen D. Treuer for respondent Lambert and by Charles Hargarves for respondent General Star National. Cause submitted.

DIVISION ONE (Continued)

B145275     Minor  
              v.  
              Superior Court, Los Angeles County  
              (Noring et al., r.p.i.)

Merits:  
Argued by Mark Kane for petitioner and by Larry A. Rothstein for real parties in interest. Cause submitted.

B139432     Puente  
              v.  
              Network Building Services, Inc.

Merits:  
Argued by Robert M. Dato for appellant and by Peter F. Wisner and Cyril Chern for respondent. Cause submitted.

B140402     Meringoff et al.  
              v.  
              Spiegel et al.

Merits:  
Argued by Guy C. Nicholson for appellants and by James C. Martin for respondents. Cause submitted.

B137453     Fire Insurance Exchange  
              v.  
              Underwood et al.

Merits:  
Argued by John K. Saur for appellant Underwood, by Eric I. Ryanen for appellant Camp and by David B. Ezra for respondent. Cause submitted.

DIVISION ONE (Continued)

B140110     Hernandez  
              v.  
              City of Los Angeles

Merits:  
Argued by John Alan Montag for appellant. No appearance for respondent.  
Cause submitted.

B139654     Herring  
              v.  
              Allstate Indemnity Company

Merits:  
Argued by Scott A. Marks for appellant and by Michael W. Connally for  
respondent. Cause submitted.

Spencer, P.J. leaves the bench.

B132727     Wilson  
              v.  
              Black et al.

Merits:  
Argued by David P. Weilbacher for appellant, by Michael A. Colton for  
respondents and by Andrew M. Wallet respondent in propria persona.  
Cause submitted.

B141516     Mercado  
              v.  
              Inouye

Merits:  
Argued by Robert Inouye, appellant in propria persona, and by Hermez  
Moreno for respondent. Cause submitted.

Court adjourned.

May 23, 2001-Continued

## DIVISION ONE (Continued)

B144128      People                                  (Not for Publication)  
v.  
Frederick Roman Hamilton

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B133348      People      (Not for Publication)  
v.  
Dirrye L. Caldwell

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B143421 People (Not for Publication)  
v.  
Travis M.

The orders are affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Mallano, J.

## DIVISION ONE (Continued)

B143886      People                                  (Not for Publication)  
v.  
Chinda C. Yem

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B144884      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
David P.

The orders terminating the dependency court's jurisdiction over the boys and determining custody and visitation as to the boys are reversed, and the cause is remanded to the dependency court with directions to proceed in the manner described in the preceding paragraph.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

B147709      Paula D.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children & Family Services, r.p.i.)

The petition is denied.

Mallano, J.

We concur: Spencer, P.J.  
Ortega, J.

May 23, 2001-Continued

## DIVISION ONE (Continued)

B139246	People v. Scott David Bell aka David Bell, John Peters, Ralph Pierce, John Lee Wesley, Scott David James.	(Not for Publication)
B144179	In re Bell on Habeas Corpus	

The judgment is affirmed. The petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B141503      Armato  
v.  
Stewart

Filed order modifying opinion. (No change in the judgment)

DIVISION TWO

B141017      Pink Dot, Inc.  
v.  
Teleport Communications

Filed order certifying opinion for publication.

B142917 People (Not for Publication)  
v.  
Lopez

The Court:

The judgment is affirmed.

Boren, P.J., Cooper, J., Todd, J.



## DIVISION TWO (Continued)

B141783      People                                  (Not for Publication)  
v.  
Pineda et al.

The judgment is affirmed.

Cooper, J.

We concur:   Boren, P.J.  
                      Nott, J.

B143872 People (Not for Publication)  
v.  
Jose L.

The judgment is affirmed.

Cooper, J.

We concur:   Boren, P.J.  
                      Todd, J.

B139949 Levy et al. (Not for Publication)  
v.  
Leffler et al.

The judgment is affirmed.

Cooper, J.

We concur:   Boren, P.J.  
                      Todd, J.

DIVISION TWO (Continued)

B138291      Everson et al.                      (Not for Publication)  
                 v.  
                 Heidkamp et al.

The judgment is affirmed.

Cooper, J.

We concur:   Nott, Acting P.J.  
                 Todd, J.

B139836      Dino's Victory Road House, Inc., et al.    (Not for Publication)  
                 v.  
                 City of Los Angeles

The judgment is reversed, with direction to enter a new judgment granting a peremptory writ of mandate requiring the city to set aside its decision denying plaintiffs' application for a zoning exception and to reconsider the application in conformity with this decision. Plaintiffs shall recover costs.

Cooper, J.

We concur:   Boren, P.J.  
                 Todd, J.

DIVISION FIVE

B141180      People                                      (Not for Publication)  
                 v.  
                 Cecil Tedder

The judgment is affirmed.

Willhite, J. (Assigned)

We concur:   Turner, P.J.  
                 Grignon, J.

May 23, 2001-Continued

## DIVISION FIVE (Continued)

B142220      People                          (Not for Publication)  
v.  
Hugh Daniel

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The judgment is affirmed.

Willhite, J. (Assigned)

We concur:   Turner, P.J.  
                      Armstrong, J.

B139132      Raul Saucedo      (Not for Publication)  
v.  
City of Los Angeles et al.

The judgment is affirmed. Each party to bear their own costs.

Willhite, J. (Assigned)

We concur:   Turner, P.J.  
                      Grignon, J.

B146124      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Arlene S.  
In re Justin G. minor

The appeal is dismissed.

Willhite, J. (Assigned)

We concur:   Turner, P.J.  
                      Grignon, J.

## DIVISION FIVE (Continued)

B141158      People                                  (Not for Publication)  
v.  
Troy Lee Mendenhall

The trial court's finding that appellant suffered a prior serious felony conviction with the meaning of section 667, subdivision (a) and the three strikes law in case number A629573 is ordered stricken. One five-year enhancement pursuant to section 667, subdivision (a) is ordered stricken reducing appellant total sentence to 75 years to life in state prison plus a determinate term of 6 years. The clerk of the superior court is ordered to prepare an amended abstract of conviction reflecting the above sentencing changes and to deliver a copy of that abstract to the Department of Corrections.

Armstrong, J.

We concur:   Turner, P.J.  
                    Willhite, J. (Assigned)